

INTERVENTION
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RYLEY CARLOCK & APPLEWHITE

One North Central Avenue, Suite 1200

Phoenix, Arizona 85004-4417

Telephone: 602/258-7701

Fax: 602/257-9582

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Arizona Corporation Commission

DOCKETED

FEB 25 2005

Sheryl A. Sweeney (009863)
Michele L. Lorenzen (019185)

Attorneys for Pulte Home Corporation

DOCKETED BY

BEFORE THE ARIZONA CORPORATION COMMISSION

In the Matter of the Application of Johnson
Utilities L.L.C. dba Johnson Utilities
Company for an Extension of Its Existing
Certificate of Convenience and Necessity
for Water and Wastewater Service

Docket No. WS-02987A-04-0288

**APPLICATION OF PULTE
HOME CORPORATION FOR
LEAVE TO INTERVENE**

Pulte Home Corporation ("Pulte"), through its undersigned counsel, and pursuant to Arizona Administrative Code section R14-3-105, hereby applies to intervene in the above-captioned matter.

In support of its Application, Pulte states as follows:

1. On April 14, 2004, Johnson Utilities L.L.C. ("Johnson") filed an Application for Extension of Certificate of Convenience and Necessity to extend its existing Certificate of Convenience and Necessity ("CC&N") to "include an area encompassing the developments known as Sonoran Village and Merrill Ranch."

2. As amended, the area included in Johnson's CC&N extension request includes areas within Sections 18, 19, 20, and 30 of Township 4 South, Range 9 East, G&SRB&M, and areas within Section 19 in Township 3 South, Range 9 East, G&SRB&M.

3. On July 22, 2004, Pulte Home Corporation acquired Merrill Ranch property from Roadrunner Resorts, LLC. See Special Warranty Deed, attached. The property acquired includes all of the proposed area of extension in Sections 18, 19, 20,

1 and 30 of Township 4 South, Range 9 East, G&SRB&M.

2 4. Because Pulte is the largest landowner within the proposed area of
3 extension, Pulte is directly and substantially affected by these proceedings.

4 5. Pulte's intervention will not expand the issues presented, nor will Pulte's
5 intervention unduly broaden the proceedings.

6 6. Communications regarding these proceedings can be sent to Pulte
7 addressed to its attorneys as follows:

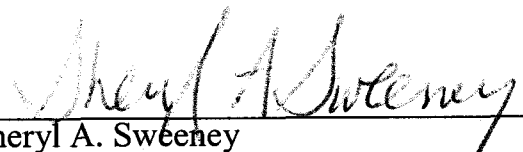
8 Sheryl A. Sweeney
9 Michele L. Lorenzen
10 RYLEY CARLOCK & APPLEWHITE, P.A.
11 One North Central Ave., Suite 1200
12 Phoenix, AZ 85004

11 For all these reasons, Pulte Home Corporation hereby respectfully requests it be
12 granted leave to intervene in these proceedings.

13 DATED this 25th day of February, 2005.

14 RYLEY CARLOCK & APPLEWHITE

15
16 By


17 Sheryl A. Sweeney
18 Michele L. Lorenzen
19 One North Central Avenue, Suite 1200
20 Phoenix, Arizona 85004-4417
21 Phone: (602) 258-7701
22 Fax: (602) 257-6924
23 Attorneys for Pulte Home Corporation

21 I hereby certify that I have this
22 25th day of February, 2005,
23 served the foregoing documents
24 on all parties of record in this
25 proceeding by hand delivering an
26 original and thirteen copies to:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

1 I hereby certify that I have this
2 25th day of February, 2005,
3 served the foregoing documents
4 on all parties of record in this
5 proceeding by mailing a copy,
6 properly addressed with first class
7 postage prepaid to:

8 Jay L. Shapiro
9 Patrick J. Black
10 Fennemore Craig
11 3003 N. Central Ave., Ste. 2600
12 Phoenix, AZ 85012
13 Attorneys for Johnson Utilities Co.

14 William P. Sullivan
15 David M. Lujan
16 Curtis, Goodwin, Sullivan,
17 Udall & Schwab
18 2712 N. Seventh St.
19 Phoenix, AZ 85006

20 Christopher Kempley, Chief Counsel
21 Legal Division
22 Arizona Corporation Commission
23 1200 W. Washington St.
24 Phoenix, AZ 85007

25 Ernest Johnson, Director
26 Utilities Division
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

By: 

ATTACHMENT

First American Title



OFFICIAL RECORDS OF
PINAL COUNTY RECORDER
LAURA DEAN-LYTLE

When recorded mail to:
Steven L. Lisker, Esq.
Bryan Cave LLP
Two North Central Avenue
Suite 2200
Phoenix, Arizona 85004-4406

DATE/TIME: 07/22/04 1634
FEE: \$20.00
PAGES: 8
FEE NUMBER: 2004-055615

212

NES-94107

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars (\$10.00) and other valuable consideration, ROADRUNNER RESORTS, L.L.C., an Arizona limited liability company, as to Parcels 1 through 7 and Parcel 9, and CMR/CASA GRANDE, LLC, an Arizona limited liability company as to Parcel 8 (collectively, "Grantor"), hereby sells, transfers and conveys to PULTE HOME CORPORATION, a Michigan corporation ("Grantee"), that certain real property situated in Pinal County, Arizona and which is legally described on Exhibit "A" annexed hereto and incorporated herein by reference, together with all of Grantor's estate, right, title and interest in and to all rights or privileges appurtenant to such real property or used in connection therewith, including all tenements, hereditaments, rights-of-way, easements, privileges, accessions, water rights, oil, gas or other mineral interests, improvements, buildings, structures and fixtures located thereon.

SUBJECT TO the matters set forth on Exhibit "B", and no others, Grantor warrants the title against its acts and none other.

DATED: July 22nd, 2004

[SIGNATURES BEGIN ON THE NEXT PAGE]

GRANTOR:

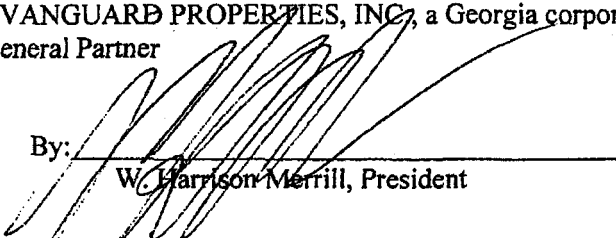
ROADRUNNER RESORTS, L.L.C.,
an Arizona limited liability company

By: HMEX, L.L.C., an Arizona limited liability company,
Its: Member

By: DMR, LLC, an Arizona limited liability company,
Its: Member

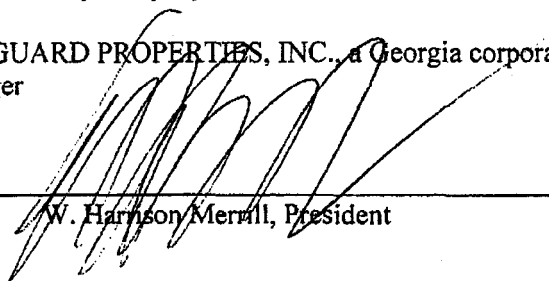
By: NORTH PHOENIX, L.P., a Georgia limited partnership,
Its: Member

By: VANGUARD PROPERTIES, INC., a Georgia corporation,
Its General Partner

By: 
W. Harrison Merrill, President

CMR/CASA GRANDE, LLC,
an Arizona limited liability company

By: VANGUARD PROPERTIES, INC., a Georgia corporation
Its: Manager


By: 
W. Harrison Merrill, President

STATE OF ARIZONA

) ss.

County of Maricopa)

The foregoing instrument was acknowledged before me this 22 day of July, 2004, by W. Harrison Merrill, the President of Vanguard Properties, Inc., a Georgia corporation, the General Partner of North Phoenix, L.P., a Georgia limited partnership, Member of DMR, LLC, an Arizona limited liability company, Member of HMEEX, L.L.C., an Arizona limited liability company, Member of Roadrunner Resorts, L.L.C., an Arizona limited liability company, by for and on behalf of said company.


Notary Public

My Commission Expires:




STATE OF ARIZONA

) ss.

County of Maricopa)

The foregoing instrument was acknowledged before me this 22 day of July, 2004, by W. Harrison Merrill, the President of Vanguard Properties, Inc., a Georgia corporation, Member of CMR/Casa Grande, LLC, an Arizona limited liability company, for and on behalf of said company.


Notary Public

My Commission Expires:



467441.2
[0178796]

EXHIBIT "A"

PARCEL NO. 1:

THAT PART OF SECTION 17, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTHWEST OF THE SOUTHWEST BOUNDARY OF THE 200 FOOT RIGHT-OF-WAY GRANTED TO THE PHOENIX AND EASTERN RAILROAD COMPANY, AN ARIZONA CORPORATION UNDER THE PROVISION OF AN ACT OF CONGRESS APPROVED MARCH 3, 1875; AND ANY RIGHTS OF THE UNITED STATES TO ENFORCE THE TERMS AND PROVISIONS OF SAID ACT, AND THEREAFTER EASEMENT AGREEMENT WAS RECORDED DECEMBER 22, 1951 AS DOCKET 53, PAGE 526.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 2:

THAT PART OF THE EAST HALF OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 9 EAST, LYING SOUTHWEST OF THE SOUTHWEST BOUNDARY OF THE 200 FOOT RIGHT-OF-WAY GRANTED TO THE PHOENIX AND EASTERN RAILROAD COMPANY, AN ARIZONA CORPORATION UNDER THE PROVISION OF AN ACT OF CONGRESS APPROVED MARCH 3, 1875; AND ANY RIGHTS OF THE UNITED STATES TO ENFORCE THE TERMS AND PROVISIONS OF SAID ACT, AND THEREAFTER EASEMENT AGREEMENT WAS RECORDED DECEMBER 22, 1951 AS DOCKET 53, PAGE 526.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 3:

LOTS 1, 2, 3 AND 4; THE EAST HALF OF THE WEST HALF AND THE EAST HALF OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 4:

THAT PART OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTHWEST OF THE SOUTHWEST BOUNDARY OF THE 200 FOOT

RIGHT-OF-WAY GRANTED TO THE PHOENIX AND EASTERN RAILROAD COMPANY, AN ARIZONA CORPORATION UNDER THE PROVISION OF AN ACT OF CONGRESS APPROVED MARCH 3, 1875; AND ANY RIGHTS OF THE UNITED STATES TO ENFORCE THE TERMS AND PROVISIONS OF SAID ACT, AND THEREAFTER EASEMENT AGREEMENT WAS RECORDED DECEMBER 22, 1951 AS DOCKET 53, PAGE 526.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 5:

THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 6:

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA;

EXCEPT ANY PORTION LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF THE HUNT HIGHWAY; AND

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 7:

THAT PART OF SECTION 28, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, LYING SOUTHWEST OF THE SOUTHWEST BOUNDARY OF THE 200 FOOT RIGHT-OF-WAY GRANTED TO THE PHOENIX AND EASTERN RAILROAD COMPANY, AN ARIZONA CORPORATION UNDER THE PROVISION OF AN ACT OF CONGRESS APPROVED MARCH 3, 1875; AND ANY RIGHTS OF THE UNITED STATES TO ENFORCE THE TERMS AND PROVISIONS OF SAID ACT, AND THEREAFTER EASEMENT AGREEMENT WAS RECORDED DECEMBER 22, 1951, AS DOCKET 53, PAGE 526.

EXCEPT ANY PORTION LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF THE HUNT HIGHWAY.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT
RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 8:

THAT PART OF THE WEST HALF OF SECTION 21, TOWNSHIP 4 SOUTH,
RANGE 9 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL
COUNTY, ARIZONA, LYING SOUTHWEST OF THE SOUTHWEST BOUNDARY
OF THE 200 FOOT RIGHT-OF-WAY GRANTED TO THE PHOENIX AND
EASTERN RAILROAD COMPANY, AN ARIZONA CORPORATION UNDER THE
PROVISION OF AN ACT OF CONGRESS APPROVED MARCH 3, 1875; AND ANY
RIGHTS OF THE UNITED STATES TO ENFORCE THE TERMS AND PROVISIONS
OF SAID ACT, AND THEREAFTER EASEMENT AGREEMENT WAS RECORDED
DECEMBER 22, 1951, AS DOCKET 53, PAGE 526.

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT
RECORDED IN DOCKET 1314, PAGE 936.

PARCEL NO. 9:

THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 9
EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY,
ARIZONA.

EXCEPT ANY PORTION LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE
OF HUNT HIGHWAY; AND

EXCEPT ALL LEASABLE MINERALS AS RESERVED IN THE PATENT
RECORDED IN DOCKET 1314, PAGE 936.

EXHIBIT "B"
TITLE EXCEPTIONS

1. Taxes for the full year of 2004.
(The first half is due October 1, 2004 and is delinquent November 1, 2004. The second half is due March 1, 2005 and is delinquent May 1, 2005 .)
2. Any charge upon said land by reason of its inclusion in Central Arizona Water Conservation District. (All assessments due and payable are paid.)
3. Any charge upon said land by reason of its inclusion in San Carlos Irrigation and Drainage District. (All assessments due and payable are paid.)
4. Reservations or Exceptions in Patent recorded in Book 55 of Deeds, Page 495, or in Acts authorizing the issuance thereof, reading as follows:

"Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat. 862)"
5. Reservations or Exceptions in Patents recorded in Docket 886, Page 943, or in Acts authorizing the issuance thereof, reading as follows:

"Reserving, however, unto the State of Arizona, to the extent and in the proportion that the state was vested with an ownership of the minerals or mineral rights in any portion or tract of the property conveyed hereby prior to this patent, a royalty of five percent of the net value of the minerals hereafter discovered."
6. Water rights, claims or title to water, whether or not shown by the public records.
7. Certification by the Board of Supervisors of Pinal County, Arizona, recorded February 21, 1964 as Docket 375, Page 572, purporting to establish a county roadway.
8. An easement for canal and incidental purposes in the document recorded as Book 30 of Deeds, Page 76 of Official Records.
9. An easement for highway and incidental purposes in the document recorded as Docket 370, Page 561 of Official Records. (Affects Parcel 7 only).
10. An easement for pipeline, telephone line, a power transmission line and a road and incidental purposes in the document recorded as Docket 812, Page 518 of Official Records. (Affects Parcels 1, 2 and 4 only).

11. An easement for pipelines and incidental purposes in the document recorded as Docket 1970, Page 134A of Official Records. (Affects Parcel 8 only).
12. An easement for electric lines and incidental purposes in the document recorded as Docket 1044, Page 426 of Official Records. (Affects Parcels 2 and 3 only)
13. The terms and provisions contained in the document entitled "Royalty Deed and Agreement" recorded July 7, 1992 as Docket 1837, Page 879 of Official Records.
14. An easement for canal, pipeline or a combination of both and incidental purposes in the document recorded as 1996-41942 of Official Records. (Affects Parcels 4 and 8 only)
15. An easement for ingress, egress and access and incidental purposes in the document recorded as 97-20089 of Official Records. (Affects Parcel 2 only)
16. The terms and provisions contained in the document entitled "Net Profits Royalty Deed" recorded December 7, 2001 as 2001-56458 of Official Records.
17. All matters as set forth in Declaration of Easement, recorded May 21, 2002 as 2002-026902 of Official Records and Amendment recorded September 25, 2002 as 2002-51722 of Official Records.
18. The terms and provisions contained in the document entitled "Resolution No. 872-03" recorded December 11, 2003 as 2003-086513 of Official Records.
(Exception will not be shown on any Homeowner's policies)
19. An easement for a line of 2-pole structures with wires and incidental purposes in the document recorded as Docket 283, Page 85 of Official Records. (Affects Parcels 6 and 9 only)
20. An easement for pipeline and incidental purposes in the document recorded as Docket 807, Page 287 of Official Records. (Affects Parcels 6 and 9 only)